

## § 17.221

awarding the grant and committing available Federal funds.

(Authority: 38 U.S.C. 8134(2))

(d) *Construction or acquisition.* The State shall enter into a construction or acquisition contract and begin construction or acquisition of the State home within 90 days after the final grant has been awarded by the Secretary of Veterans Affairs. Any delays beyond 90 days must be fully justified by the State and approved by the Department of Veterans Affairs or the grant may be rescinded.

(Authority: 38 U.S.C. 8134(2))

(e) *Grant revisions.* When significant deviations occur in the approved program or budget, the procedures set forth in paragraphs (e) (1) and (2) of this section shall apply.

(1) If a State has received the award of a construction or acquisition grant, the State shall request prior approval from the Department of Veterans Affairs for programmatic or budgetary revisions when the scope or objective of the project changes in a significant manner or when an approved line item budgeted amount increases or decreases by more than 10 percent. All grant modifications of this type shall be within the total contingency allowance of 5 percent for new construction or 8 percent for remodeling or renovation.

(2) In unusual and unanticipated circumstances, the Department of Veterans Affairs may participate in modifications to a grant that exceeds the contingency allowance by awarding a grant increase for the project. A grant increase will require an amended application from the State and complete justification, subject to the approval of the Department of Veterans Affairs. The amended application for a grant increase will be treated as an original application for the purpose of the priority list and the award of any additional Federal funds for the project.

(Authority: 38 U.S.C. 8135(e))

(f) *Final architectural and engineering inspection.* The grantee shall notify the Department of Veterans Affairs immediately upon completion of the project and request a final architectural and engineering inspection. This inspection

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is required prior to final payment under the construction or acquisition grant.

(Authority: 38 U.S.C. 8134(2))

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[56 FR 20357, May 3, 1991. Redesignated and amended at 61 FR 21966, 21968, May 13, 1996]

### § 17.221 Equipment.

(a) *General.* Equipment necessary for the State home's planned effective operation shall be included in the cost of the project.

(Authority: 38 U.S.C. 8134(2))

(b) *Definition of equipment.* The term *equipment* as used in this section means all items necessary for the functioning of all services of the State home, including equipment as needed to provide for accounting and other records, and maintenance of buildings and grounds. The term *equipment* does not include consumable supplies such as food, drugs, dressings paper, printed forms, soap, and the like which are routinely required to operate the State home.

(Authority: 38 U.S.C. 8134(2))

(c) *Classification of equipment.* All equipment shall be classified in two groups as indicated in paragraphs (c) (1) and (2) of this section:

(1) *Fixed equipment (included in construction/acquisition contract).* Fixed equipment is permanently affixed to the building or is connected to service distribution systems designed and installed during construction (e.g., kitchen and intercommunication equipment, built-in casework, and cubicle curtain rods). The Federal share in the cost of such equipment, included in the construction contract, will be determined by the Department of Veterans Affairs percentage of participation in the aggregate cost of the project.

(2) *Movable and fixed equipment (not included in project contract).* Movable and fixed equipment may be purchased separately from the construction or acquisition contract and includes furniture, furnishings, wheeled equipment, kitchen utensils linens, draperies, venetian blinds, electric clocks, pictures and trash cans. The Federal share in the

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cost of such equipment not included in the project contract will be limited to 10 percent of the project contract cost unless justified by the State and approved by the Department of Veterans Affairs.

(Authority: 38 U.S.C. 8134(2))

(d) *Purchase of equipment.* (1) The State shall select and purchase all equipment for the complete and effective functioning of services needed to operate the State home. The State may postpone purchasing of equipment until the facility is almost ready for occupancy to assure that the most current models of equipment are purchased. The equipment shall meet State standards. Title to all equipment purchased by the State with grant monies shall be vested to the State.

(2) The quality and amount of equipment shall be properly apportioned to the various services of the facility so that unduly expensive or elaborate equipment is not provided for some services at the expense of other services.

(Authority: 38 U.S.C. 8134(2))

(e) *Equipment list.* (1) Prior to the completion of the project, the State shall submit to the Department of Veterans Affairs for approval a separate, complete itemized list of fixed and movable equipment, not included in the construction contract. Fixed equipment shall be itemized by category of equipment with the estimated cost of each category or item and the total cost. Movable equipment shall be itemized according to the rooms or functional areas identified on the final drawings. The list shall show the quantity and estimated cost of each item. The quantity will be based on the actual number of units and number of beds in each unit.

(2) The Department of Veterans Affairs will review the equipment list to ascertain medical applicability, quantity, and cost of items. The quantity will be determined by the number of nursing or domiciliary units, the number of bed areas provided, and the items required to make constructed or acquired areas functional. Medical applicability will be determined by whether such items are normally found

or used in the type of medical activity/area planned. The Department of Veterans Affairs may disapprove items on the equipment list, but the applicant will be given the opportunity to justify such item(s).

(Authority: 38 U.S.C. 8134(2))

(Information collection requirements contained in § 17.221 were approved by the Office of Management and Budget under control number 2900-0520)

[56 FR 20358, May 3, 1991. Redesignated at 61 FR 21966, May 13, 1996]

### **§ 17.222 General design guidelines and standards.**

(a) *General.* Nursing homes and domiciliaries should be planned to approximate the home atmosphere as closely as possible. These guidelines and standards include minimum requirements for site selection and development; architectural design including handicapped accessibility and allowable space criteria; structural, mechanical, and electrical design; plumbing systems and elevator requirements; fire safety criteria; and asbestos abatement rules. State homes to be constructed or acquired with Federal financial assistance shall comply with applicable National, State, and local codes. Such codes include building codes, electrical codes, seismic codes, fire and life safety codes, plumbing codes, and others. Both nursing homes and domiciliaries are health care occupancies, and all space shall be protected with a sprinkler system as well as quick response sprinklers for all smoke compartments containing patient sleeping rooms.

(1) Except as provided in paragraphs (a)(1)(i) and (a)(1)(ii) of this section, in no case shall the total cost of remodeling exceed the cost of constructing a comparable new building or facility.

(i) If a building or facility is on or eligible for the National Register of Historic Places, the total cost of remodeling, renovating, or adapting it may exceed the cost of comparable new construction by five percent.

(ii) If the demolition of a building on or eligible for the National Register of Historic Places is necessary, the cost to professionally record the building for the Historic American Buildings Survey (HABS) plus the total cost for demolition and site restoration shall be